REMARKS

This application has been reviewed in light of the FINAL REJECTION mailed March 23, 2009. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 1 – 4, 6 – 17 and 34 – 40 are pending in the application, with Claims 1 and 34 being in independent form. By the present amendment, Claims 34 and 39 are amended. No new subject matter is introduced into the disclosure by way of the present amendment.

I. Objection to Claim 40

Claim 40 is objected to for an informality. Specifically, the present Office Action contends that Claim 40 recites "the release position", which is unclear since there is no previous mention of a release position either in Claim 40 or in independent Claim 34 from which the present claim depends. However, in a previous response dated December 23, 2008 Claim 40 was amended to recite: "...a release position". Accordingly, Applicant requests withdrawal of the objection to Claim 40.

II. Rejection of Claims 34, 36, 37 and 39 Under 35 U.S.C. § 102(b)

Claims 34, 36, 37 and 39 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,395,366 issued to D'Andrea et al. (hereinafter, "D'Andrea").

D'Andrea discloses that the sampling process comprises obtaining directional data from the passage of a signal transmitting capsule through an alimentary canal to create a precise map of the routing of the capsule to a precise location in the canal. (See: col. 3, lines 12 – 17).

In other words, D'Andrea discloses that the signal transmitting capsule passes through the alimentary canal while the route is being mapped and stored. However, D'Andrea fails to disclose the step of "...introducing into a body cavity and temporarily indwelling in an examination site a plurality of in-vivo information acquisition apparatuses for acquiring in-vivo information in the body cavity, each of the plurality of in-vivo information acquisition

apparatuses having unique identification information..." as recited in Applicants' amended Claim 34.

Therefore, as demonstrated above, because D'Andrea does not disclose each and every element recited in the present claims, Applicants respectfully submit that the rejection has been obviated. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 34, 36, 37 and 39 under 35 U.S.C. § 102(b).

III. Rejection Of Claims 1 – 4, 6 – 17, 35, 38 and 40 Under 35 U.S.C. § 103(a)

Claims 1 – 4, 6 – 8 10 – 14 and 17 under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Publication No. 2002/0111544 (hereinafter, "Iddan") in view of U.S. Publication No. 2001/0051766 (hereinafter, "Gazdzinski") and further in view of U.S. Patent No. 6,240,312 issued to Alfano et al. (hereinafter, "Alfano"); Claim 9 under 35 U.S.C. § 103(a) as allegedly obvious over Iddan in view of Gazdzinski and further in view of U.S. Patent No. 7,063,671 issued to Couvillon, Jr. (hereinafter, "Couvillon"); Claims 15 and 16 under 35 U.S.C. § 103(a) as allegedly obvious over Iddan in view of Gazdzinski and Alfano and further in view of U.S. Publication No. 2002/0132226 (hereinafter, "Nair"); Claims 35 and 38 under 35 U.S.C. § 103(a) as allegedly obvious over D'Andrea in view of U.S. Patent No. 5,279,607 issued to Schentag et al. (hereinafter, "Schentag"); and Claim 40 under 35 U.S.C. § 103(a) as allegedly obvious over D'Andrea in view of U.S. Publication No. 2002/0042562 (hereinafter, "Meron").

Iddan concerns a system and method for determining in vivo body lumen conditions. Iddan discloses a system having a through opening 38', an interaction chamber 38, and a battery 31. (See: para. [0046] – [0047], and FIG. 2).

Additionally, Iddan discloses "once device 30 is inserted into the GI tract, for example by swallowing, and the imaging device 36 and light source 32 are operated, the GI tract walls 39 and

the interaction chamber 38 are directly illuminated by light source 32 and imaged by imaging device 36." (See: para. [0046]).

Iddan further discloses that "the blood in the GI tract will react with the indicator in the interaction chamber 38 resulting in an optical change that will be imaged by the optical detector 36", and that "the image of the optical change and of the location in the GI tact will be transmitted to an external operator who can identify the location of the device 30 at the time the image was produced and thus identify the origin of bleeding." (See: para. [0050]).

In other words, Iddan discloses that the image of a specimen is transmitted to an external receiving system by the device 30 (See: para. [0046]). More specifically, Iddan fails to disclose or suggest "a specimen-evaluating section for evaluating the specimen collected by the specimen-collecting section and outputting an evaluation result" as recited in Applicants' Claim 1.

Gazdzinski is directed to an edoscopic smart probe and method. Gazdzinski discloses a radio frequency identification (RFID) tag 1702, which is installed within or made part of the autonomous smart probed (See: para. [0023]).

Alfano et al., concerns a remote-controllable, micro-scale device for use in in vivo medical diagnosis and/or treatment. Alfano et al. discloses a suction-type conveyor belt 53 for enabling the device to move along the surfaces of internal organ. (See: col. 4, line 65 – col. 5, line 10).

However, neither Alfano et al. nor Gazdzinski specifically disclose any configurations such as "a specimen-evaluating section for evaluating the specimen collected by the specimen-collecting section and outputting an evaluation result" as recited in Applicants' Claim 1.

Consequently, even if the documents Iddan, Alfano et al., and Gazdzinski are combined, one having ordinary skill in the art would not have arrived at the features recited in Applicants' Claim 1.

According to Claim 1, reciting the aforementioned configuration, an arithmetic operation can be performed by using the reference data and measurement data in the specimen-evaluating section so as to evaluate the specimen. Therefore, the specimen-evaluating section in the in-vivo information acquisition apparatus can evaluate the presence of blood in the body fluid, the concentration of blood, etc. and output this evaluation result.

The subject-matter of the amended Claim 1 is non-obvious over the disclosure of Iddan even in view of Gazdzinski and Alfano et al. Consequently, the subject-matter of dependent Claims 2 – 4, and 6 – 17 are non-obvious over the disclosure of Iddan even in view of Gazdzinski, Alfano et al., Couvillon, Jr., and Nair et al.

In addition, the subject-matter of Claims 34 is novel over D'Andrea et al. as described above. Consequently, the subject-matter of dependent Claims 35, 38, and 40, are not obvious over the disclosure of D'Andrea et al. even in view of Schentag et al. or Meron et al.

Therefore, Claims 1-4, 6-17, 35, 38, and 40 are believed to be allowable over the cited prior art references, taken alone or in any proper combination. Accordingly, Applicants respectfully request withdrawal of the rejections with respect to Claims 1 – 4, 6 – 8 10 – 14 and 17 under 35 U.S.C. § 103(a).

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1 – 4, 6 – 17 and 34 – 40 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,

/Thomas Spinelli/
Thomas Spinelli
Registration No. 39,533

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza - Ste. 300
Garden City, New York 11530
(516) 742-4343
TS/DAT:ab